

## IN THE CLAIMS

*Please amend claims 1, 8, 12, 18, and 23-26, as follows:*

1. (Currently Amended) In a mobile communication device, a method of delivering an e-mail message through a wireless communication network comprising the acts of:

receiving, through a user interface of the mobile communication device, e-mail message information corresponding to a new e-mail message to be delivered through the wireless communication network;

identifying, by the mobile communication device, whether a data communication service for communicating e-mail messages is made available to the mobile communication device by the wireless communication network;

after receiving the e-mail message information and identifying whether the data communication service is made available by the wireless communication network;

causing, by the mobile communication device, the e-mail message information to be sent via the data communication service of the wireless communication network based on the data communication service being made available by the wireless communication network as identified by the mobile communication device; and

otherwise[,] causing, by the mobile communication device, the e-mail message information to be sent in a short message service (SMS) message through the wireless communication network via an SMS-to-Email service based on the data communication service being made unavailable in the wireless communication network as identified by the mobile communication device.

2. (Original) The method of claim 1, wherein the user interface comprises a graphical user interface (GUI) of the mobile communication device.

3. (Original) The method of claim 1, wherein the act of causing the e-mail message information to be sent via the SMS-to-Email service comprises the further act of causing the SMS message to be sent to a telephone number of the SMS-to-Email service.

4. (Original) The method of claim 1, further comprising:  
prior to causing the e-mail message information to be sent in the SMS message, formatting the e-mail message information in an SMS-to-Email message format compatible with the SMS-to-Email service.

5. (Original) The method of claim 1, wherein the data communication service comprises a data packet service.

6. (Original) The method of claim 1, wherein the data communication service operates in accordance with a 2.5 Generation (2.5G) compatible standard.

7. (Original) The method of claim 1, wherein the data communication service operates in accordance with a 3<sup>rd</sup> Generation (3G) compatible standard.

8. (Currently Amended) The method of claim 1, wherein the ~~act of identifying whether a data communication service for communicating e-mail messages is available is based on detecting whether a current wireless network makes the data communication service available~~ acts of causing are performed by the mobile communication device without user intervention.

9. (Original) The method of claim 1, wherein the e-mail message information comprises an e-mail message body of text.

10. (Original) The method of claim 1, wherein the e-mail message information comprises an e-mail destination address.

11. (Original) The method of claim 1, wherein the e-mail message information comprises an e-mail subject line.

12. (Currently Amended) A mobile communication device, comprising:  
a receiver;  
a transmitter;  
a user interface;  
one or more processors coupled to the receiver, the transmitter, and the user interface; and  
the one or more processors being operative to:  
    receive, through the user interface, e-mail message information corresponding to a new e-mail message to be delivered through a wireless communication network;  
    identify whether a packet data service for communicating e-mail messages is made available to the mobile communication device by the wireless communication network;  
    after receiving the e-mail message information and identifying whether the packet data service is made available:  
        cause the e-mail message information to be transmitted via the packet data service of the wireless communication network based on the packet data service being made available by the wireless communication network as identified by the one or more processors; and  
        otherwise cause the e-mail message information to be transmitted in a short message service (SMS) message of the wireless communication network via an SMS-to-Email service based on the packet data service being made unavailable in the wireless communication network as identified by the one or more processors.

13. (Original) The mobile communication device of claim 12, wherein the user interface comprises a graphical user interface (GUI).

14. (Original) The mobile communication device of claim 12, wherein the one or more processors cause the e-mail message information to be transmitted via the SMS-to-Email service by being further operative to cause the SMS message to be sent to a telephone number of the SMS-to-Email service.

15. (Original) The mobile communication device of claim 12, the one or more processors being further operative to format the e-mail message information in an SMS-to-Email message format compatible with the SMS-to-Email service prior to causing the e-mail message information to be transmitted in the SMS message.

16. (Original) The mobile communication device of claim 12, wherein the packet data service operates in accordance with a 2.5 Generation (2.5G) compatible standard.

17. (Original) The mobile communication device of claim 12, wherein the packet data service operates in accordance with a 3<sup>rd</sup> Generation (3G) compatible standard.

18. (Currently Amended) A computer program product comprising:  
a data storage medium;  
computer instructions stored on the data storage medium;  
the computer instructions being executable on a processor for:  
receiving, through a user interface, e-mail message information  
corresponding to a new e-mail message to be delivered;

identifying whether a data communication service for communicating e-mail messages is made available to a mobile communication device by a wireless communication network;

after receiving the e-mail message information and identifying whether the data communication service is made available by the wireless communication network;

causing the e-mail message information to be sent via the data communication service of the wireless communication network based on identifying that the data communication service being is made available by the wireless communication network; and

otherwise, causing the e-mail message information to be sent in a short message service (SMS) message through the wireless communication network via an SMS-to-Email service based on identifying that the data communication service being is made unavailable in the wireless communication network.

19. (Original) The computer program product of claim 18, wherein the user interface comprises a graphical user interface (GUI) of a mobile communication device.

20. (Original) The computer program product of claim 18, wherein the computer instructions are further executable on a processor for causing the e-mail message information to be sent via the SMS-to-Email service by causing the SMS message to be sent to a telephone number of the SMS-to-Email service.

21. (Original) The computer program product of claim 18, the computer instructions being further executable on a processor for formatting the e-mail message information in an SMS-to-Email message format compatible with the SMS-to-Email service prior to causing the e-mail message information to be sent in the SMS message.

22. (Original) The computer program product of claim 18, wherein the data communication service comprises a data packet service.

23. (Currently Amended) A method of delivering an e-mail message through a wireless communication network comprising the acts of:

receiving, through an e-mail graphical user interface (GUI) of a mobile communication device, e-mail message information corresponding to a newly drafted e-mail message to be delivered through the wireless communication network;

identifying, by the mobile communication device, whether a packet data service for communicating e-mail messages is made available to the mobile communication device by the wireless communication network; and

if the packet data service is identified as being made unavailable in the wireless communication network:

formatting, by the mobile communication device, the e-mail message information in an SMS-to-Email message format compatible with an SMS-to-Email service; and

causing a newly drafted e-mail message the formatted e-mail message information to be sent in a short message service (SMS) an SMS message of the wireless communication network via an the SMS-to-Email service based on the packet data service being unavailable.

24. (Currently Amended) The method of claim 23, further comprising:

causing the newly drafted e-mail message to be sent via the packet data service based on the packet data service being identified as made available by the wireless communication network.

25. (Currently Amended) The method of claim 23, further comprising:

receiving, through a graphic user interface (GUI), e-mail message information corresponding to the newly drafted e-mail message to be delivered

causing the newly drafted e-mail message to be sent via the packet data service based on the packet data service being identified as made available by the wireless communication network; and

wherein the e-mail message information comprises an e-mail destination address and an e-mail message body of text.

26. (Currently Amended) The method of claim 23, further comprising:

~~receiving, through a graphic user interface (GUI), e-mail message information corresponding to the newly drafted e-mail message to be delivered; and~~

~~formatting the e-mail message information in an SMS-to-Email message format compatible with the SMS-to-Email service prior to causing the e-mail message information to be sent in the SMS message~~

wherein the e-mail message information comprises an e-mail destination address and an e-mail message body of text; and

wherein the act of causing the e-mail message information to be sent via the SMS-to-Email service comprises the further act of causing the SMS message to be sent to a telephone number of the SMS-to-Email service.